



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

New Hampshire Troopers Association

v.

**State of New Hampshire, Department of Safety,
Division of State Police**

**Case No. G-0097-15
Decision No. 2015-109**

Pre-Hearing Memorandum and Order

Date of Conference: May 28, 2015

Appearances: John S. Krupski, Esq., for the Complainant

Marta Modigliani, Esq., for the Respondent

Background:

On April 27, 2015, the New Hampshire Troopers Association (Union) filed an unfair labor practice complaint alleging that the State of New Hampshire, Department of Safety, Division of State Police (State) breached Article 19.6.2 of the parties' collective bargaining agreement (CBA) when it issued a directive informing the bargaining unit employees that the State would no longer pay for dry cleaning of shirts and blouses worn on duty. According to the Union, Article 19.6.2 requires the employer to "pay cleaning expenses for uniforms and civilian clothing worn on duty..." The Union claims that the State's actions violate RSA 273-A:5, I (g), (h), and (i) and requests that the PELRB find that the State committed an unfair labor practice, and order the State to cease and desist from any further violations and make any adversely affected employees whole.

The State denies the charges and asserts, among other things, that the State's actions were consistent with the Division of State Police policy and practice, that the parties' practice is that dress shirts and other clothing that can be laundered is not, and never has been, intended to be covered by the State's contracted cleaners; and that the Union has failed to comply with Pub 201.02 (b) (4) in that it did not provide a clear and concise statement of facts giving rise to the complaint and that the complaint is void of any facts or statement as to the alleged violations of RSA 273-A:5, I (g) or (i). The State requests that the PELRB dismiss the complaint.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the State violated RSA 273-A:5, I (g), (h), and/or (i) as charged by the Union.

WITNESSES and EXHIBITS:

As outlined in the parties' Joint Pre-Hearing Worksheet. Both parties reserve the right to amend their lists of witnesses and exhibits in conformity with Pub 203.01. It is understood that each party may rely on the representations of the other party that witnesses and exhibits appearing on their respective lists will be available at the hearing.

DECISION

1. "Parties" means the Union, the State or their counsel/representative appearing in the case. The parties shall simultaneously copy each other electronically on all filings submitted in these proceedings.
2. Based upon the review of the filings in this case and the pre-hearing conference, the undersigned hearing officer finds that the Union's complaint satisfies the requirements of Pub 201.02 (b)(4).
3. The parties shall file a joint statement of stipulated facts and their final witness and exhibit lists no later than **June 15, 2015**.

4. The requirement that the parties file copies of proposed exhibits prior to the date of adjudicatory hearing is suspended. The parties shall not file, either electronically or via mail, proposed exhibits prior to the day of hearing.
5. The parties shall pre-mark each exhibit by placing identifying markers in the upper right corner of each exhibit, if possible, and bring an original and five (5) copies of each exhibit to the hearing. To facilitate access to a particular exhibit, the parties shall use tabs to separate exhibits.

HEARING

Unless otherwise ordered as a result of the filing of any subsequent motion, the adjudicatory hearing in this case will be held on **June 24, 2015, at 8:30 a.m.** at the offices of the PELRB in Concord. The time set aside for this hearing is 5 hours. If either party believes that additional time is required, a written notice of the need for additional time shall be filed with the PELRB at least 10 days prior to the date of hearing.

So ordered.

May 28, 2015



Karina A. Lange, Esq.
Staff Counsel/Hearing Officer

Distribution: John S. Krupski, Esq.
Marta Modigliani, Esq.